

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GRACE ELLEN BOTWRIGHT,

Plaintiff,

v.

Case Number 08-12998-BC
Honorable Thomas L. Ludington

UNITED STATES POSTAL SERVICE,
John E. Potter, Postmaster General,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING DEFENDANT'S MOTION TO DISMISS**

On December 4, 2008, Magistrate Judge Charles E. Binder issued a report and recommendation that Defendant United States Postal Service's motion to dismiss be denied. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 17] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss [Dkt. # 10] is **DENIED**.

s/Thomas L. Ludington

THOMAS L. LUDINGTON
United States District Judge

Dated: December 23, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 23, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS